

REMARKS

Claims 1, 2, 4, 5, 8, 9, 24, 25, 30, 31, 34, 35, 37-40, and 43 are rejected.

Applicant notes that the amendment filed February 28, 2005 has been entered and has been fully considered but they were not persuasive and that translation of the SU document has become available and was enclosed in the Office Action.

In reference to SU1685448, the Examiner maintains the anticipation rejection. The SU document claims a medicinal agent containing five ingredients: theophylline, trypsin, lanoline and sunflower oil, and dimethylsulfoxide. In view of the U.S. patents to Krzysik and Harris, it is the Examiner's position that trypsin is an inflammatory agent when applied to skin. In addition, in view of U.S. patents to Schoer, Lapinet, and Bissett, it is the Examiner's position that theophylline is an anti-inflammatory agent which decreases inflammation to the skin. Hence, "it can reasonably concluded that theophylline has no material effect on the activity of trypsin".

Applicant's claims recite "consisting essentially of at least one hydrolase", and hence exclude other composition ingredients such as theophylline. In contrast to the SU document, applicant's invention achieves its effective treatment of skin tissue without the use of an anti-inflammatory agent. This is supported at least in Examples 1 and 2 and in Figures 1-3. Applicant respectfully requests withdrawal of the rejections over SU 1685448.

Applicant's claims, in its "consisting essentially of" language, do not require an anti-inflammatory. Because applicant's method lacks theophylline as an active agent which SU 1685448 requires, thus applicant respectfully asserts the claims are not anticipated.

In reference to US 6,030,612 to de Faire, Examiner maintains the anticipation rejections. It is the Examiner's position that if the multifunctional enzyme in de Faire has trypsin activity, it will act as trypsin and therefore will inherently be "selective for a layer of the skin", the epidermis. It is the Examiner's position that enzymes having elastase, collagenase, or exopeptidase would inherently have an effect on the dermis. Although applicant has deleted the phrase "selective for a layer of skin affected by said condition", it remains unclear to the Examiner why the applicant continues to argue that such a limitation is required; if the enzyme has trypsin activity, it will act as trypsin and therefore will inherently be "selective for a layer of skin."

Applicant respectfully asserts that because the single enzyme of de Faire, with a molecular weight of 26,000-32,000 Daltons, has multiple hydrolase activities, it is not selective for a layer of skin. There is no control as to which layer of skin will be selected during treatment. In contrast, applicant's invention uses a hydrolase as a single entity, i.e., one enzyme having one activity. This is supported at least on page 12, line 7 to page 15, line 18. Hence, applicant's invention may use one enzyme, such as trypsin, to select only the epidermis, or another enzyme, such as collagenase, to select the dermis. Thus, applicant respectfully requests that the rejections over de Faire be withdrawn.

In reference to US 2003/0021775 to Freeman, the Examiner maintains the obviousness rejections. It is the Examiner's position to use the "broadest reasonable interpretation of the term topical application in the claim includes the treatment of the Freeman document because the enzyme is brought in contact with the skin portion by directing the enzyme topically to the skin surface. Applicant respectfully disagrees.

Freeman's invention uses a device that provides a continuous flow of the enzyme solution to contact the surface of the skin. The solution is delivered to the skin surface with sufficient force to effect a mechanical, "stripping" action. In addition to the enzymatic digestion of matrix proteins, the novel combination of a directional, mechanical force and enzymatic disruption of the lesion tissue enables the removal of cells from the treated surfaces (Col. 5, paragraph 0073).

In contrast, applicant's invention uses topical application in the conventional meaning known to one skilled in the art, for example using a cotton tip applicator to spread or apply the composition which is supported at least on page 22. Thus, the topical application of the solution in Freeman is more complex than that of the applicant's. Therefore, Applicant requests that the obviousness rejections be withdrawn.

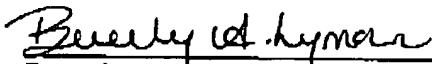
CONCLUSION

Please charge Deposit Account No. 23-3000 in the amount of \$395.00 for the RCE fee required under 37 C.F.R. § 1.17(e) and \$510.00 for the three (3) months extension fee as set forth in 37 C.F.R. § 1.136(a). Should any additional fees be required, authorization is hereby given to charge such fees to Deposit Account No. 23-3000.

The Examiner is invited to contact applicant's undersigned representative with any issues or questions.

Respectfully submitted,

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